

1808 JRS /dm

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CONNELL GRIFFIN,)	
)	
Plaintiff,)	
)	No. 08 C 657
v.)	
)	Judge Gettleman
SUPERVALU HOLDINGS, INC.,)	Magistrate Judge Brown
d/b/a CUB FOOS, INC.,)	
)	
Defendant.)	

MOTION FOR A QUALIFIED PROTECTIVE ORDER
PURSUANT TO HIPAA

Now comes the Defendant, SUPERVALU HOLDINGS, INC., by and through its attorneys, HAYNES, STUDNICKA, KAHAN, O'NEILL & MILLER, LLC, and requests that this Court enter a qualified protective order stating as follows:

1. Plaintiff has filed a case alleging negligence by SUPERVALU HOLDINGS, INC., and Plaintiff claims certain medical injuries resulted from this alleged negligence.

2. The Defendant, treating physicians, hospitals, and other health care providers disclosed by Plaintiff in this case, are all "covered entities" as defined by 45 CFR §160.103. HIPAA prohibits covered entities from disclosing protected health information in judicial proceedings other than by authorization or qualified protective order. 45 CFR §164.512(e).

3. These covered entities are all in possession of "protected health information" ("PHI") as defined by 45 CFR §160.103 and §160.501, in the form of medical records (imaging, test results, insurance documents, notes, orders, labs, correspondence, pathology, etc.) pertaining to Connell

Griffin.

4. Both the prosecution and defense of this case will require that the parties, their attorneys, their attorneys' agents, consultants and various witnesses and other personnel receive and review copies of the PHI pertaining to Connell Griffin, which is in the treating providers' possession.

WHEREFORE, Defendant, SUPERVALU HOLDINGS, INC., respectfully requests that this Court enter the proposed order permitting the use and disclosure of PHI created or received by any covered entity that has provided health care to Connell Griffin for any purpose connected with the pending litigation.

Respectfully Submitted,

/s/ Dana M. Bowers

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